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VIA ECF

Honorable District Judge Philip M. Halpern  
United States District Court  
300 Quarropas Street, Room 520  
White Plains, NY 10601

RE: **Raul Herrera, et al. v. Capri**  
Docket No. 1:24-cv-09483

Dear Judge Halpern,

We represent the Plaintiffs in the above-referenced action and the related matter, *Ruiz et al. v Capri II Pizza, Inc.*, et al case number 7:24-cv-01536, and respectfully submit this joint letter requesting a two-week extension to file our Cheeks motion, which is currently due on May 9, 2025 pursuant to the Court's Order (Dkt. No. 57).

The parties have made substantial progress in finalizing the settlement agreement and accompanying *Cheeks'* motion. However, additional time is required to complete the review of all settlement documents with our respective clients, obtain the necessary signatures from all parties, and finalize the joint Cheeks submission. Additionally, Plaintiffs' counsel was incapacitated due to illness for more than a week in late April, which has delayed the completion of these tasks.

If granted, the parties anticipate filing the completed Cheeks motion no later than May 23, 2025. This is the parties' first request for an extension of this deadline, and the requested extension will not affect any other scheduled dates in this matter.

We appreciate the Court's consideration of this request.

Respectfully Submitted,

/s Eliseo Cabrera

Eliseo Cabrera, Esq.

Application granted.

The parties shall file, by **May 23, 2025**, either: (i) a joint *Cheeks* submission and fully executed proposed settlement agreement, or (ii) a Proposed Judgment pursuant to Federal Rule of Civil Procedure 68. See *Mei Xing Yu v. Hasaki Rest., Inc.*, 944 F.3d 395, 398 (2d Cir. 2019).

SO ORDERED.



Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
May 8, 2025